

IN THE COURT OF COMMON PLEAS OF LUZERNE COUNTY, PENNSYLVANIA

**IN RE:
EXTENSION OF TIME FOR
POLLS TO REMAIN OPEN
IN THE 2022 GENERAL ELECTION**

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**CIVIL ACTION-LAW
No. 09970 2022**

PROTHONOTARY LUZERNE COUNTY
FILED NOV 8 '22 PM1:03

**EMERGENCY PETITION OF THE LUZERNE COUNTY BUREAU OF ELECTIONS
AND LUZERNE COUNTY BOARD OF
ELECTIONS REQUESTING AN EXTENSION OF TIME FOR POLLS TO REMAIN
OPEN UNTIL 10:00 P.M. FOR THE NOVEMBER 8, 2022 GENERAL ELECTION**

Petitioner, the Luzerne County Bureau (“Bureau”) and the Luzerne County Board of Elections (“Board of Elections”), by its undersigned attorneys, the Luzerne County County Office of Law, hereby petitions this Honorable Court for permission to extend the deadline for the time the polls are to be closed by 2 hours. In support of this Petition, the Luzerne County Bureau of Elections and Luzerne County Board of Elections avers as follows:

1. In the process of administering the election on November 8th, the Luzerne County Bureau of Elections has experienced a paper shortage at the polling locations that have resulted in serious delays in the polling locations.
2. Upon arriving at the polling locations to set up machines on Election Day poll workers at the Luzerne County polling locations discovered that the voting machines were seriously deficient of paper to print out the ballot after the voter uses the machine to vote.
3. As a result of this issue, emergency and provisional ballots had to be used for the voters causing a shortage of the supply of those ballots.
4. Upon being notified, Luzerne County immediately mobilized to get paper to the polling locations.
5. The Luzerne County Election Bureau is attempting to obtain the paper to supply all of the polling locations sufficiently.

6. Some voters have indicated that they were not able to remain at the polls and voters have indicated an inability to return to vote until after polls had closed.

7. It is the purpose of the court of common pleas on any election day to decide such “matters pertaining to the election as may be necessary to carry out the intent of this act.” 25 P.S. § 3046.

8. It is well-settled that the purpose of election laws is to ensure fair elections, including an equal opportunity for all eligible electors to participate in the election process. *In re General Election – 1985*, 109 Pa.Cmwlth. at 608, 531 A.2d at 839 (Court postponed the date of the General Election for 11 precincts that suffered extensive flooding, loss of electricity, heat, and water during extreme weather conditions) (*citing, In re Mayor, City of Altoona, Blair County*, 413 Pa. 305, 196 A.2d 371 (1964)).

9. In prior instances where a request for an extension of time to allow electors to cast votes in an election the courts have found that allowing an election to be conducted “where members of the electorate could be deprived of their opportunity to participate because of circumstances beyond their control ... would be inconsistent with the purpose of the election laws.” *In re General Election*, 839.

10. In the immediate instance electors of Luzerne County may be deprived of their opportunity to participate because of circumstances beyond their control if the time for closing the polls is not extended.

11. The Pennsylvania Election Code states that “At all primaries and elections the polls shall be opened at 7 A.M., Eastern Standard Time, and shall remain open continuously until 8 P.M., Eastern Standard Time, at which point they shall be closed.” 25 P.S. § 3045.

12. After review, the Luzerne County Bureau and the Luzerne County Board of Elections now petitions this Honorable Court to extend the statutory deadline at which the polls are required to close from 8:00PM on Tuesday November 8st to 10:00 p.m.

13. Luzerne County has discussed the present issues with the Pennsylvania Department of State and the Department of State has expressed it would defer to the Luzerne County Bureau and Luzerne County Board of Elections as to the necessity for an extension.

14. The Luzerne County Democratic Party supports the Luzerne County Bureau and Luzerne County Board of Elections request made herein.

15. The Luzerne County Republican Party supports the Luzerne County Bureau and Luzerne County Board of Elections request made herein.

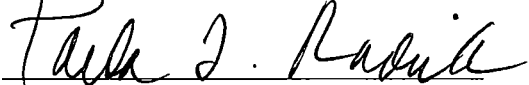
16. The Luzerne County Board of Elections and Luzerne County Bureau of Elections seeks this extension so that all of the duly qualified electors of Luzerne County are able to participate in the election process.

WHEREFORE, the Luzerne County Bureau of Elections and Luzerne County Board of Elections respectfully requests this Honorable Court to GRANT its Emergency Petition to extend the deadline for the time the polls are to be closed for the November 8th General Election by 2 hours.

Respectfully submitted,



Harry S. Skene, Esquire
Chief Solicitor



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Board of Elections*

Dated: November 8, 2022

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IN RE:	:	
EXTENSION OF TIME FOR	:	CIVIL ACTION-LAW
POLLS TO REMAIN OPEN	:	No. <u>09970</u> 2022
IN THE 2022 GENERAL ELECTION	:	
	:	

ORDER

AND NOW, this 8th day of November, 2022, upon consideration of the Emergency Petition of the Luzerne County Bureau and Luzerne County Board of Elections for an Extension of Time for Polls to Remain Open in the 2022 General Election, and any opposition thereto, it is hereby ORDERED and DECREED, that said Petition is GRANTED as follows:

Luzerne County shall extend the time of the closing of the polls at the County polling places by 2 hours to 10:00 p.m.

BY THE COURT:

J.